IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

Crl.Rev.Pet.No. 787 of 2006()

CRA.685/2004 of ADDL.SESSIONS COURT, KOZHIKODE
CC.512/2003 of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

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REVN. PETITIONER:APPELLANT/ACCUSED

B.H.SUBAIDA, AGED 49 YEARS,
D/O.UMMERKUTTY, BLAND HOUSE,
ICE ROAD, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:COMPLAINANT

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. O.K.IMBICHIKOYAKUTTY,
S/O.POCKER (LATE),
ORUPURAMKANDATHIL HOUSE, KODUVALLY.P.O,
ERNAKULAM.

BY PUBLIC PROSECUTORSRI.C.K.SURESH
SRI.C.VALSALAN
SRI.K.RAKESH ROSHAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 787 of 2006

Dated this the 21st day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months and to pay an amount of Rs.4,13,000/- as compensation. On appeal as Crl.Appeal No.685/04, the Sessions Court, Kozhikode, confirmed the conviction but reduced the sentence as imprisonment till the rising of the court. The appellate court also directed the accused to pay a sum of Rs.4,13,000/- as compensation to the complainant and in default, to undergo simple imprisonment for a period of six months.

2. The complainant as well as the accused have filed Crl.M.A.No.11531/06 under Section 147 of the Negotiable Instruments Act. That application was allowed.

3. In the result, the Crl.R.P. is allowed. The conviction and sentence against the petitioner are set aside and the petitioner is acquitted under Section 320 (8) of the Code of Criminal Procedure.

In the petition under Section 147 of the Negotiable Instruments Act, it is stated that the second respondent/ complainant shall be entitled to get release of Rs.25,000/- deposited by the accused before the trial court. Accordingly, there will be a direction to the trial court to disburse Rs.25,000/- to the second respondent/complainant.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11531/2006
in
Crl. R.P. No. 787 of 2006

Dated this the 21st day of November, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act seeking permission to compound the offence under Section 138 of the Negotiable Instruments Act.

2. The application is signed by the revision petitioner/accused and the second respondent/complainant. It is stated that the matter is settled between the parties.

3. It is also stated in the application that the amount of Rs.25,000/- deposited before the trial court is to be disbursed to the second respondent/complainant.

The application is allowed. There will be a direction to the trial court to disburse the sum of Rs.25,000/- to the second respondent/complainant.

K.T.SANKARAN,
JUDGE

csl